

**PROPOSED AMENDMENTS TO
THE COMPREHENSIVE PLAN TO
IMPLEMENT REVISIONS TO ROGO
AND NROGO**

AMENDMENT #1

Amend Policy 101.2.3 as follows:¹

Policy 101.2.3

The Permit Allocation System for new residential (ROGO) development shall specify procedures for:

1. annual adjustment of the number of permits for new residential units to be issued during the next year based upon, but not limited to the following:
 - a. ~~the number of permits for new residential units issued during the previous year, including permits which did not result in completed units or active progress towards such completion as defined by the Land Development Regulations; and~~
 - b. ~~application of the updated transportation model of the Lower Southeast Florida Hurricane Evacuation Study every five years or when warranted by implementation of roadway capacity improvements, new behavioral data, or substantial changes in development patterns (see Conservation and Coastal Management Element Policy 216.1.5);~~
 - a. expired allocations and building permits in previous year;
 - b. allocations available, but not allocated in previous year;
 - c. number of allocations borrowed from future quarters;
 - d. vested allocations;
 - e. modifications required or provided by this plan or agreement pursuant to Chapter 380, Florida Statutes;
 - f. receipt or transfer of affordable housing allocations by intergovernmental agreement; and

¹ Except where further noted, these revisions reflect the updates made to ROGO since the comprehensive plan was adopted and revises the apparent conflict in the text of point 2 with the content of Policy 101.2.4. Rather than allocating between single and multi-family unit types, allocations are by affordable and market rate housing.

2. allocation of ~~single and multi family unit types~~ affordable and market rate housing units in accordance with Policy 101.2.4; and
3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new residential development during the calendar year.

AMENDMENT #2

Amend Policy 101.2.4 as follows:²

Policy 101.2.4

Monroe County shall allocate at least 20 percent of residential (non-transient) growth to affordable housing units as part of the Permit Allocation System. Any portion of the 20 percent allocation not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation ~~must~~ shall meet the criteria specified in Policy 601.1.7. and shall not be subject to the Residential Permit Allocation and Point System in Policy 101.5.4. The parcel proposed for affordable housing development shall not be located ~~in an acquisition area and shall not qualify for negative points according to the criteria specified under Habitat Protection and Threatened or Endangered Animal Species in Policy 101.5.4; however, properties designated Residential High shall be exempted from this prohibition.~~ within an area designated as Tier I as set forth under Goal 105.

AMENDMENT #3

Amend Policy 101.3.1 as follows:³

Policy 101.3.1

Monroe County shall maintain a balance between residential and non-residential growth by limiting the ~~gross~~ square footage of non-residential development ~~over the 15 year planning horizon in order~~ to maintain a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Residential Permit Allocation System. This ratio may be modified from time to time through amendments to the land development regulations based upon market and other relevant studies as required by policy 101.3.5. ~~The ratio for commercial allocation shall be revised upon completion of the economic baseline analysis required by policy 101.3.5 which shall be completed no later than January 4, 1997.~~ The commercial allocation allowed by this policy shall be uniformly distributed ~~over the 15 year planning horizon~~ on an annual basis, consistent with the Residential Permit Allocation System as set forth in Policy 101.2.1. ~~Within one year~~

² This revision reflects that affordable housing will no longer compete under ROGO, but will still be subject to the limits on number of affordable ROGO allocations that can be awarded. In addition, the revision reflects the elimination of negative environmental point categories in ROGO with the use of the Tier system.

³ Amendments to this policy are intended to provide the basis for making amendments to the floor space to dwelling unit ratio as needed to accommodate changing needs and policies. The County has already had one study completed concerning market demand for non-residential development and shortly the results of more in-depth report on market demand and needs for non-residential floor area will be completed.

~~of the effective date of this plan, Monroe County shall amend this policy to specify the annual allowable square footage based upon the number of residential units allowed by year using the ratio set forth in this policy.~~

AMENDMENT #4

Amend Policy 101.3.3 as follows:⁴

Policy 101.3.3

The Permit Allocation System for new non-residential (NROGO) development shall specify procedures for:

1. the annual adjustment of the square footage allocated for ~~of~~ new non-residential development to be permitted during the next year based upon, but not limited to:
 - a) the square footage ~~of~~ allocated for new non-residential development ~~completed that expired~~ during the previous year;
 - ~~b) strict regulations regarding completion schedules of permitted activities shall be developed and enforced to preclude repeated renewal of expired permits; and~~
 - b) the amount of square footage available for allocations but not allocated in previous year;
 - c) modifications required or provided by this plan; and,
 - d) receipt or transfer of floor area by intergovernmental agreement.
2. maintaining a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Permit Allocation System, as may be amended from time to time in accordance with Policy 101.3.1; and,
3. timing of the acceptance of applications, evaluation of applications, and issuance of permits for new non-residential development during the calendar year.

AMENDMENT #5

Amend Policy 101.3.4 as follows:⁵

⁴ This policy has been revised to make the policy direction more concise and clear and to reflect other revisions to NROGO proposed in this amendment package.

⁵ This revision reflects recent amendments to LDRs to preclude exemptions for not-for-profits within Conservation and Natural Areas (Tier I).

Policy 101.3.4

Public facilities shall be exempted from the requirements of the Permit Allocation System for new non-residential development. Except within Tier I designated areas under Goal 105, ~~Certain~~ development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social, cultural, and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the Planning Commission upon a finding that such activity will predominately serve the County's non-transient population. All public and institutional uses that predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.

AMENDMENT #6

Amend Policy 101.3.5 as follows:⁶

Policy 101.3.5

By ~~January 4, 1998~~ July 2005, Monroe County shall complete ~~a an economic base analysis~~ market demand analysis and economic assessment ~~in order~~ to determine the demand for future non-residential development in Monroe County and planning sub-areas. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses ~~shall be~~ may be revised based upon the results of this study, and other relevant policy and economic studies and data and provide the basis for preparing specific amendments to the comprehensive plan to incorporate goals, objectives and policies on economic development including tourism. The ~~economic base~~ analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub-area.

AMENDMENT #7

Amend Policy 101.4.21 by adding (i) under "Notes" in the table entitled "Future Land Use Densities and Intensities" that reads as follows:

- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

AMENDMENT #8

Amend Objective 101.5 as follows:⁷

Objective 101.5

⁶ This amendment reflects the current market and economic strategy study being completed by the Chesapeake Group, which will provide the basis for making changes in future land use designations and in eventual preparation of economic development policies for the County as an integral part of the Comprehensive Plan.

⁷ This revision reflects the incorporation of the Tier system as the framework for implementing the point system.

Monroe County shall implement a Point System based primarily on the Tier system of land classification in accordance with Goal 105, which directs future growth in order to:

1. encourage the redevelopment and renewal of blighted areas [9J-5.006(3)(b)2];
2. maintain and enhance the character of the community [9J-5.006(3)(b)3];
3. protect natural resources [9J-5.006(3)(b)4];
4. encourage a compact pattern of development [9J-5.006(3)(b)7]; ~~and~~
5. encourage the development of affordable housing; and,
6. encourage development in areas served by central wastewater treatment systems.⁸

AMENDMENT #9

Amend Policy 101.5.1 as follows:⁹

Policy 101.5.1

~~By January 4, 1997,~~ Monroe County shall adopt through its land development regulations a new Point System for residential (ROGO) and non-residential (NROGO) development to replace the existing Point System by no later than July 1, 2005. Except for affordable housing, this Point System, as set forth in Policy 101.5.4 for residential development and Policy 101.5.5 for non-residential development, ~~which~~ shall be used as a basis for selecting the development applications which are to be issued permits through the Permit Allocation System (see Policy 101.2.1). The Point System shall specify positive point factors which shall be considered as assets and shall specify negative point factors which shall be considered as liabilities in the evaluation of applications for new residential and non-residential development.

AMENDMENT #10

Amend Policy 101.5.2 as follows:¹⁰

Policy 101.5.2

In order to encourage a compact form of residential growth, ~~the Point System shall assign positive point ratings to applications for new residential development which would~~ that results in infill development in platted, improved subdivisions , the Point System shall be primarily

⁸ This revision reflects the incorporation of positive points in the permit allocation system for development to be connected to an existing central wastewater treatment system.

⁹ This revision updates the Policy and reflects the shift away from using negative points in ROGO. It establishes a one-year time frame for its completion.

¹⁰ This revision reflects the use of the Tier system for directing growth to specific areas. The Tier system takes into account consideration of habitat, threatened and endangered species and availability of infrastructure and services through its classification of properties into Tiers. The current system awards many properties within platted subdivisions that are within environmentally sensitive habitat or have impacts on endangered and threatened species.

based on the Tier system of land classification as set forth under Goal 105. [9J-5.006(3)(c)1 and 6]

AMENDMENT #11

Amend Policy 101.5.3 as follows:¹¹

Policy 101.5.3

In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit and direct the amount of new non-residential development primarily to areas designated as Tier III under Goal 105 and provide incentives for redevelopment of existing developed and vacant infill sites. (See Policy 101.3.1.) [9J-5.006(3)(c)1]

AMENDMENT #12

Delete existing Policy 101.5.5 and create a new Policy 101.5.4 that reads as follows:

Policy 101.5.4

Monroe County shall implement the residential Permit Allocation and Point System through its the land development regulations based primarily on the Tier system of land classification as set forth under Goal 105. The points are intended to be applied cumulatively.

1. **Tier Designation** - Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed dwelling units in a manner that encourages development of infill, predominately developed areas with existing infrastructure and few sensitive environmental features and discourages development in areas with environmentally sensitive upland habitat, which must be acquired or development rights retired for resource conservation and protection.¹²

<i>Point Assignment:</i>	<i>Criteria:</i>
0	Proposes a dwelling unit within areas designated Tier I [Natural Area].
+10	Proposes development within areas designated Tier II

¹¹ The existing policy fails to adequately provide broad guidance to promote compact development and needs to be amended to incorporate the Tier System.

¹² The Tier system is intended to provide the underlying base for directing growth under the revised ROGO system. Rather than using negative points, the system uses a positive point approach which is legally more defensible than one relying on negative scoring.

	[Transition and Sprawl Reduction Area] on Big Pine or No Name Key.
+20	Proposes development within areas designated Tier II[Transition and Sprawl Reduction Area] outside of Big Pine or No Name Key.
+20	Proposes development within areas designated Tier III [Infill Area] on Big Pine or No Name Key.
+30	Proposes development within areas designated Tier III [Infill Area] outside of Big Pine or No Name Key.

2. **Big Pine and No Name Keys** - The following negative points shall be cumulatively assigned to allocation applications for proposed dwellings to implement the Big Pine Key and No Name Key Habitat Conservation Plan and the Livable CommuniKeys Community Master Plan.

<i>Point Assignment:</i>	<i>Criteria:</i>
-10	Proposes development on No Name Key.
-10	Proposes development in designated Lower Keys Marsh Rabbit habitat or buffer areas as designated in the Community Master Plan.
-10	Proposes development in Key Deer Corridor as designated in the Community Master Plan.

3. **Lot Aggregation** – The following points shall be assigned to allocation applications to encourage the voluntary reduction of density through aggregation of legally platted buildable lots within Tier II and Tier III areas.¹³

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes to aggregate a contiguous vacant, legally platted lot within a Tier II or Tier III area with sufficient lot size and upland area to be buildable together with the parcel proposed for development.
+4	Each additional contiguous vacant, legally platted lot which is aggregated in Tier II or III area that meets the aforementioned requirements will earn additional points as specified.

4. **Land Dedication** – The following points shall be assigned to allocation applications to encourage the voluntary dedication of vacant, buildable land within Tier I and Tier II designated areas and certain legally, platted lots and unplatted parcels in Tier I that are of insufficient size to be buildable for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier II or Tier III, for the purpose of providing land for affordable housing where appropriate.¹⁴

<i>Point Assignment:</i>	<i>Criteria:</i>
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¹³ The revised lot aggregation system is similar to existing system except scoring has been changed to reflect overall changes in scoring. Tier I areas are not eligible for aggregation and Policy 205.2.7 limits aggregation points if clearing of upland native vegetation occurs in Tier II areas.

¹⁴ The land dedication scoring has been completely revised to reflect change in scoring and to allow more flexibility in the sizes of property that may be dedicated. A major change has been to allow currently NA, SR and SR-L lots, which are currently unbuildable due to lot size, to be eligible for ROGO dedication. In addition, this policy spells out that lots dedicated in Tier II or Tier III may be used by the County for providing land for affordable housing, where appropriate.

+4	Proposes dedication to Monroe County of one vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+1 for each 5,000 square feet of lot size	Proposes dedication to Monroe County of a vacant, legally platted lot of 5,000 square feet or more in size, designated as Residential Low with a maximum net density within a Tier I area and containing sufficient upland area to be buildable. Each additional vacant, legally platted lot that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of at least 5,000 square feet in size within a Tier I area, designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant,

	legally platted lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn points as specified.

- 5. Market Rate Housing in Employee or Affordable Housing Project-**
The following points shall be assigned to allocation applications for market rate housing units in an employee or affordable housing project:¹⁵

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	Proposes a market rate housing unit which is part of an affordable or employee housing project; both affordable and employee housing shall meet the policy guidelines for income in Policy 601.1.7 and other requirements pursuant to the Land Development Regulations.

¹⁵ This policy is intended to provide more incentives to build affordable housing by encouraging the mixture of affordable housing with market rate housing.

6. **Special Flood Hazard Areas** – The following points shall be assigned to allocation applications for proposed dwelling unit(s) to provide a disincentive for locating within certain coastal high flood hazard areas:¹⁶

<i>Point Assignment:</i>	<i>Criteria:</i>
-4	Proposes development proposed within “V” zones on the FEMA flood insurance rate maps.

7. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:¹⁷

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

8. **Perseverance Points** – One (1) point shall be awarded for each year that the allocation application remains in the allocation system up to a maximum accumulation of four (4) points.¹⁸

AMENDMENT #13

Delete Policy 101.5.5 in its entirety and replace with new Policy 101.5.5 that reads as follows:

¹⁶ This revision eliminates the negative points for “A” zone, in which the predominate number of properties are located and the positive points for “X” zones that only affect a very insignificant number of properties.

¹⁷ This scoring incentive is intended to: encourage infill development in areas served by central sewer systems being upgraded or constructed to meet 2010 Wastewater Treatment Standards; maximize public investment; reduce the average EDU operating/maintenance costs of these systems; and recoup capital costs.

¹⁸ This revision eliminating the provision of perseverance points beyond four years reflects the Planning Commission’s concern that allowing such points beyond four years will only encourage development of lots in areas where development should be discouraged.

Policy 101.5.5

Monroe County shall implement the non-residential Permit Allocation and Point System through its land development regulations based primarily on the Tier system of land classification pursuant to Goal 105. The points are intended to be applied cumulatively.

1. **Tier Designation** – Utilizing the Tier System for land classification in Policy 105.2.1, the following points shall be assigned to allocation applications for proposed non-residential in a manner that encourages development of infill, predominately developed areas with existing infrastructure, commercial concentrations, and few sensitive environmental features, and discourages development in areas with environmentally sensitive upland habitat, which must acquired or development rights retired for resource conservation and protection.¹⁹

<i>Point Assignment:</i>	<i>Criteria:</i>
0	Proposes non-residential development within an area designated Tier I [Natural Area]
+10	Proposes non-residential development within an area designated Tier II [Transition and Sprawl Reduction Area].
+20	Proposes non-residential development within an area designated Tier III [Infill Area].

2. **Intensity Reduction.** The following points shall be assigned to allocation applications to encourage the voluntary reduction of intensity:

<i>Point Assignment:</i>	<i>Criteria:</i>
+ 4	An application proposes development that reduces the permitted floor area ratio (FAR) to twenty three percent (23%) or less.

3. **Land Dedication** - The following points shall be assigned to allocation applications to encourage the voluntary dedication of vacant, buildable land within Tier I and Tier II designated areas and certain legally

¹⁹ The Tier System is intended to provide the underlying basis for directing growth under the revised NROGO system. Rather than using negative points, the system relies on a positive approach, which is legally more defensible than one relying on negative scoring.

platted lots and unplatted parcels in Tier I that are of insufficient size to be buildable for the purposes of conservation, resource protection, restoration or density reduction and, if located in Tier II or Tier III, for the purpose of providing land for affordable housing where appropriate.

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<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of sufficient minimum lot size and upland area to be buildable. Each additional vacant, legally platted, buildable lot which is dedicated that meets the aforementioned requirements will earn the additional points as specified.
+1 per 5,000 square feet of lot area	Proposes dedication to Monroe County of a vacant legally platted lot of five thousand (5,000) square feet or more in size, designated as Residential Low with maximum net density within a Tier I area and containing sufficient upland to be buildable. Each additional vacant, legally platted lot, that meets the aforementioned requirements will earn points as specified.
+0.5	Proposes dedication to Monroe County of one (1) vacant, legally platted lot of five thousand (5,000) square feet or more within a Tier I area designated as Residential Conservation, or Residential Low with no maximum net density, containing sufficient upland to be buildable. Each additional vacant, legally platted, lot that meets the aforementioned requirements will earn points as specified.
+4	Proposes dedication to Monroe County of at least one (1) acre of vacant, unplatted land located within a Tier I area containing sufficient upland to be buildable. Each additional one (1) acre of vacant, unplatted land that meets the aforementioned requirements will earn the points as specified.

²⁰ The land dedication scoring has been completely revised to reflect change in scoring and to allow more flexibility in the sizes of property that may be dedicated. A major change has been to allow currently NA, SR and SR-L lots, which are currently unbuildable due to lot size, to be eligible for ROGO dedication. In addition, this regulation spells out that lots dedicated in Tier II or Tier III may be used by the County for providing land for affordable housing, where appropriate. It should be noted that under NROGO platted lots will receive the same scoring as permitted under ROGO, which is currently not the case.

4. **Special Flood Hazard Area** - The following points shall be assigned to allocation applications to discourage development within high risk special flood hazard zones:²¹

<i>Point Assignment:</i>	<i>Criteria:</i>
- 4	Proposes development within a “V” zone on the FEMA Flood Insurance Rate Map.

5. **Perseverance Points** - One (1) or two (2) points shall be awarded for each year that the allocation application remains in the system.

6. **Highway Access** - The following points shall be assigned to allocation applications to encourage connections between commercial uses and reduction of the need for trips and access onto U.S. Highway 1:²²

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The development eliminates an existing driveway or access-way to U.S. Highway 1.
+2	The development provides no new driveway or access-way to U.S. Highway 1.

7. **Landscaping and Water Conservation** - The following points shall be assigned to allocation applications to encourage the planting of native vegetation and promote water conservation:

<i>Point Assignment:</i>	<i>Criteria:</i>
+3	The project provides a total of two hundred percent (200%) of the number of native landscape plants on its property than the number of native landscape plants required by this chapter within landscaped bufferyards and parking areas.
+1	Twenty-five percent (25%) of the native plants provided to achieve the three (3) point award above or provided to meet the landscaped bufferyard and parking area requirements of this chapter are listed as threatened or endangered plants native to the Florida Keys.
+2	Project landscaping is designed for water

²¹ Negative points for special flood hazards have been revised similar to those for ROGO.

²² The scoring criteria for access has been thoroughly revised to better effectuate the intent of this scoring policy.

	conservation such as use of one hundred percent (100%) native plants for vegetation, collection and direction of rainfall to landscaped areas, or the application of re-used wastewater or treated seawater for watering landscape plants.
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8. **Central Wastewater System Availability** – The following points shall be assigned to allocation applications:²³

<i>Point Assignment:</i>	<i>Criteria:</i>
+4	Proposes development required to be connected to a central wastewater treatment system that meets the BAT/AWT treatment standards established by Florida Legislature and Policy 901.1.1.

9. **Employee Housing** – The following points, up to a maximum of four (4), shall be assigned to allocation applications for employee housing units:²⁴

<i>Point Assignment:</i>	<i>Criteria:</i>
+2	Proposes an employee housing unit which is located on a parcel with a non-residential use.
+2	One (1) additional employee housing unit located on the parcel with a non-residential use

AMENDMENT #14

²³ This scoring incentive is intended to: encourage infill development in areas served by central sewer systems being upgraded or constructed to meet 2010 Wastewater Treatment Standards; maximize public investment; reduce the average EDU operating/maintenance costs of these systems; and recoup capital costs.

²⁴ This provision is intended to encourage mixed commercial-residential development and to provide additional incentives to encourage the provision of affordable employee housing.

Amend Policy 101.5.6 to read as follows.²⁵

Policy 101.5.6

The Residential and Non-residential Point Systems shall be monitored on an annual basis and revised as necessary ~~to add, delete or adjust positive and negative factors based on new studies and data in a manner that is consistent with and furthers the goals, policies, and objectives of this plan. which may be identified by studies prepared as part of the implementation of the Goals, Objectives and Policies of the Comprehensive Plan. Such adjustments to the Point Systems shall result in amendments to the Comprehensive Plan and/or land development regulations as appropriate. These studies include, but are not limited to:~~

- ~~1. the Sanitary Wastewater Master Plan (see Sanitary Wastewater Objective 901.4 and related policies);~~
- ~~2. the Stormwater Management Master Plan (see Drainage Objective 1001.3 and related policies);~~
- ~~3. the Florida Keys National Marine Sanctuary Management Plan;~~
- ~~4. special studies undertaken as part of the Florida Keys National Marine Sanctuary Water Quality Protection Program (see Conservation and Coastal Management Objective 202.1 and related policies);~~
- ~~5. the Live Aboard Study (see Conservation and Coastal Management Objective 202.4 and related policies);~~
- ~~6. the Florida Keys Advance Identification of Wetlands (ADID) Program (see Conservation and Coastal Management Objective 204.1 and related policies);~~

AMENDMENT #15

Delete Policy 101.5.7 and 101.5.8.²⁶

Policy 101.5.7

~~As part of the first annual review of the Residential and Non-residential Point Systems, additional criteria may be included such as:~~

- ~~1. North Key Largo — Negative points may be assigned for development proposed within that portion of Key Largo located between the junction of~~

²⁵ This existing policy is no longer relevant and has been replaced with new Tier based system and Livable CommuniKeys community master planning process. The policy has been replaced with a broader policy that calls for updates and revisions to the permit allocation system as needed.

²⁶ These two policies are no longer relevant with the revisions to the ROGO system based on the Tier system and increased emphasis on lot dedication and density reduction.

~~State Road 905 and U.S. Highway 1 and the Dade County boundary at Angelfish Creek.~~

- ~~2. Traffic Capacity — As part of the first annual review of the Residential and Non-residential Point System, positive points may be assigned for development served by US 1 segments which have surplus capacity. Negative points shall be assigned for development served by US 1 segments which have marginal capacity.~~
- ~~3. Offshore Islands — Negative points may be assigned to developments on offshore islands.~~
- ~~4. Conservation Lands — Negative points may be assigned to developments which may impact designated or proposed conservation lands.~~
- ~~5. Disturbed Saltmarsh and Buttonwood Wetlands — Negative points may be assigned to developments which require the placement of fill or structures in disturbed saltmarsh and buttonwood wetlands.~~
- ~~6. Historic Resources — Negative points may be assigned to developments which remove or destroy historic or archaeological resources. Positive points may be assigned to developments which restore or enhance historic or archaeological resources.~~
- ~~7. Potential Development Credits (PDCs) — An applicant may have the option of receiving positive points, called Potential Development Credits (PDCs), for transferring development rights away from a sender site for development proposed on an eligible receiver site, as specified in Objective 101.13 and related policies.~~

Policy 101.5.8

~~The Residential Permit Allocation Ordinance shall be amended to award a graduated scale of positive points to dwelling units which are proposed for lots within legally platted, recorded subdivisions, which are served by existing infrastructure, including at a minimum potable water, electricity and paved roadways. Maximum points shall be awarded for those projects proposed within platted subdivisions which are 67% to 100% built out; fewer points will be awarded for projects proposed for subdivisions 33% — 67% built out; and minimum points shall be awarded for projects proposed for subdivisions 0 — 33% built out. The percentage of build out shall be based upon updated, accurate data from the County's Geographic Information System (GIS). The Ordinance shall be amended when the pertinent information is readily available on the County's GIS.~~

AMENDMENT #16

Amend and renumber Policy 101.5.9 as follows:²⁷

Policy ~~101.5.9~~101.5.7

Monroe County shall allow for the development of residential ~~multi-family~~ projects with multiple units within the Permit Allocation System. If a project ranks high enough in the Point System for a portion of the development to receive an allocation award, but the project includes more units than are available during an allocation period, the entire project may receive allocation awards if the excess allocation is reduced from the next allocation period(s). ~~Multi-family affordable housing or elderly housing projects shall be given priority.~~

AMENDMENT #17

Amend and renumber Policy 101.5.10 as follows:²⁸

Policy ~~101.5.10~~101.5.8

Monroe County may develop a program, called Transfer of ROGO Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the ~~new receiver site would not be eligible for any negative environmental points under ROGO with the exception of those properties designated Residential High.~~ shall be located within a Tier III area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands. ~~When a multiple family housing development utilizes a TRE, any other units in that same project that are permitted through the ROGO process may be eligible for minor positive points on a one for one basis.~~

AMENDMENT #18

Amend Policy 101.6.1 as follows:²⁹

Policy 101.6.1

Monroe County shall, upon a property owner's request, purchase property for fair market value or permit the minimum reasonable economic use of the property pursuant to Policy 101.6.5, if the property owner meets the following conditions:

²⁷ This revision reflects need to limit the authority for borrowing from future allocations for any type of development needing multiple units.

²⁸ This policy needs to be revised to reflect the Tier system. In addition, the specific provisions limiting TREs on Big Pine and No Name Key is included to incorporate the community master plan policies

²⁹ Specific language regarding administrative relief needs to be incorporated in policy and the policy needs to be brought up to date. The number of years to be eligible for administrative relief is being extended to reduce potential number of permits that could be left in the pipeline. This extension is within the 4 to 7 year envelope that most case law considers as a reasonable period of delay in permitting before a taking has occurred.

1. they have been denied an allocation award for four successive years in the ~~Permit Allocation System;~~ Residential (ROGO) or Non-residential (NROGO) Permit Allocation System;
2. their proposed development otherwise meets all applicable county, state, and federal regulations;
3. their allocation application has not been withdrawn;
4. they have complied with all the requirements of the ~~Permit Allocation System~~ Residential or Non-residential Permit Allocation System; and
5. they follow the procedures for administrative relief contained ~~in the Dwelling Unit Allocation Ordinance.~~ in the land development regulations.

As used in this Policy, "minimum reasonable economic use" shall mean, as applied to any residentially zoned lot of record which was buildable immediately prior to the effective date of the Plan, no less than a single-family residence. "Fair market value" shall be an amount which is no less than ad valorem valuation in the Monroe County Real Property Tax Roll for the year 1992, adjusted for inflation, or the current fair market value, whichever is greater.

AMENDMENT #19

Delete Policy 101. 6.5 and Policy 101.6.6 and replace with new Policy 101.6.5:³⁰

Policy 101.6.5

~~Monroe County shall annually compile a list prioritizing the lands requested for County acquisition due to the Permit Allocation System. The lands of the property owners who meet the criteria in Policy 101.6.1 shall be ranked according to:~~

- ~~1. the environmental sensitivity of the vegetative habitat, marine resources, and impacts to the quality of near shore waters as specified by the ranking in the Environmental Design Criteria section of the Land Development Regulations;~~
- ~~2. whether the property is in known, probable, and/or potential habitat for one or more threatened and/or endangered species, as indicated on the most recent Protected Animal Maps; and~~

³⁰ These two policy conflicts with the provisions and intent of the Administrative Relief process, which is intended to provide certainty to property owners who are provided administrative relief by the County. The replacement policy sets forth the criteria for the type of properties that the County should offer to purchase under Administrative Relief. It should be noted that Policy 102.4.4 directs County to petition the State and Federal governments to take responsibility for land acquisitions in Tier I areas.

- ~~3. whether development on the property will adversely impact successful protection and recovery of threatened or endangered species, such as development on Big Pine Key, No Name Key, Ohio Key, and North Key Largo.~~

~~Those lands considered most sensitive according to the combination of (a), (b) and (c) above shall be ranked as the highest priority for acquisition.~~

Policy 101.6.6

~~When considering the acquisition of lands denied building permit allocations through the Permit Allocation System, Monroe County shall base the acquisition decision upon the environmentally sensitivity ranking specified in Policy 101.6.5~~

Policy 101.6.5

Monroe County shall pursue land acquisition through voluntary purchase of lands from private property owners denied a building permit through the Permit Allocation System, as the preferred option for administrative relief pursuant to Policy 101.6.1, if the subject permit is for development located within:

1. a designated Tier I area;
2. a designated Tier II area requiring the clearing of 5,000 square feet or more of upland tropical hardwood hammock or pinelands habitat; or,
3. a designated Tier II or Tier III area on a non-waterfront lot suitable for affordable housing.

Refusal of the purchase offer by a property owner shall not be grounds for the granting of a ROGO or NROGO award.

AMENDMENT #20

Amend Policy 101.12.4 to read as follows: ³¹

Policy 101.12.4

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (greater than 25 percent) of any existing public facility:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the ~~selected~~ alternative sites; and,

³¹ This new policy reflects amendments in draft Rule 28-20.110; the proposed language has been revised to update it with this series of amendments to the Comprehensive Plan.

3. assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammock and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and ~~Conservation Land Protection Areas~~ designated Tier I areas.

Except for passive recreational facilities on publicly-owned land, no new public community or utility facility other than water distribution and sewer collection lines or pump/vacuum/lift stations shall be allowed within Tier I designated areas unless it can be accomplished without clearing of hammock or pinelands. Exceptions to this requirement may be made to protect the public health, safety, and welfare, if all the following criteria are met:

1. No reasonable alternatives exist to the proposed location; and,
2. The proposed location is approved by a supermajority of the Board of County Commissioners.

The site of the Key Largo Wastewater Treatment Facility (located at mile marker 100.5) with an allowed clearing of up to 4.2 acres shall not be subject to this policy.

AMENDMENT #21

Delete Policy 101.13.3.³²

Policy 101.13.3

~~As part of the first annual review of the Point System, an applicant in the Residential Permit Allocation System shall be awarded either one unit for each one development right transferred from an eligible sender site to an eligible receiver site (through the use of Transferable Development Rights or TDRs), or positive points in the Point System (through the uses of Potential Development Credits or PDCs).~~

~~If the applicant opts to receive PDCs, the applicant would receive positive points for transferring development rights away from a sender site to an eligible receiver site. By using this option, the applicant would forfeit the right to develop any additional units that would be granted for TDRs.~~

³² The staff believes the use of TDRs and PDCs in the permit allocation process has little merit and would be too cumbersome to implement.

AMENDMENT #22

Renumber and amend Policy 101.13.4 as follows:

Policy ~~101.13.4~~ 101.13.3³³

~~Transferable Development Rights may be used within the Residential Permit Allocation System to increase density, subject to the limitations contained in the land development regulations. The Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in this plan. Density~~ The transfers assignment of TDRs to Big Pine Key, No Name Key, and North Key Largo from other areas of the County shall be prohibited.

AMENDMENT #23

Delete Policy 101.13.5.³⁴

Policy ~~101.13.5~~

~~As part of the first annual review of the Point System, positive points, or "Potential Development Credits" (PDCs) shall be awarded for applications proposing non-residential development which will transfer development rights away from eligible sender sites to eligible receiver sites. PDCs shall be awarded to commercial projects for TDRs transferred from either residential or commercial zones.~~

AMENDMENT #24

Amend and renumber Policy 101.13.6 as follows:

Policy ~~101.13.6~~ 101.13.4

~~In conjunction with the first annual review of the Point System evaluation of the existing TDR program pursuant to Policy 101.13.2, parcels within the following habitats and land use districts shall be designated as sender sites for Transferable Development Rights (TDRs) and Potential Development Credits (PDCs):~~

Any parcel within these zoning categories:

Offshore Island (OS)	Sparsely Settled (SS)
Mainland Native (MN)	Parks and Refuge (PR)
Native (NA)	Conservation (C)

Habitat of the following types which lie within any zoning category:

Freshwater wetlands

³³ This revision reflects the elimination of the authority to use TDRs in allocation system.

³⁴ This revision reflects an update of the policy and the staff's proposal to eliminate the PDCs concept from further consideration.

Saltmarsh/Buttonwood wetlands
 High quality high hammock
 High quality low hammock
 Moderate quality high hammock
 Moderate quality low hammock
 High quality pinelands
 Low quality pinelands
 Beach/berm
 Palm Hammock
 Cactus Hammock
 Disturbed Wetlands

AMENDMENT #25

Delete Policy 101.13.7 and Policy 101.13.8.³⁵

Policy 101.13.7

~~In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish positive point awards in the Residential Permit Allocation System for each PDC:~~

<u>Sender Site</u>	<u>Receiver Site</u>	<u>PDC Points</u>
Freshwater wetland	scarified, in UR	most points
	MU	
	IS	
SR	SR (disturbed land not to include wetlands)	least points

Policy 101.13.8

~~In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish point awards in the Non-residential Permit Allocation System for each PDC:~~

<u>Sender Site</u>	<u>Receiver Site</u>	<u>PDC Points</u>
Freshwater wetland	UC	most points
	SC	
	MU	
SR	SC or MU	least points

³⁵ The deletion of these policies reflects the proposal to eliminate the concept of PDCs.

AMENDMENT #26

Amend and renumber Policy 101.13.9 as follows:³⁶

Policy 101.13.9 101.13.5

~~No later than one year from the effective date of this plan,~~ In conjunction with the evaluation of the TDR program pursuant to Policy 101.13.2 and no later than one year from the date when the County's Geographic Information System is fully functional, Monroe County shall map potential TDR sender and receiver sites as specified in ~~Policies 101.13.6 through 101.13.9~~ Policy 101.13.4, and shall map parcels from which development rights have been transferred. These maps shall be updated as necessary and made available to Growth Management staff and public for use in the development review process.

AMENDMENT #27

Amend Policy 102.3.1 as follows:³⁷

Policy 102.3.1

The Permit Allocation System (see Future Land Use Objectives 101.2 through 101.4 and related policies) shall have the following environmental protection goals:

1. to reduce the exposure of residents to natural hazards;
2. to reduce disturbances to natural vegetation resource areas;
3. to reduce disturbances to terrestrial wildlife resources areas;
4. to reduce impacts of new development on ~~groundwater and~~ nearshore waters;
5. to acquire vacant privately-owned environmentally sensitive lands for conservation and resource protection;
6. to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or significant environmental features;
- ~~5.7.~~ to ensure that the ecological integrity of natural areas is protected when land is developed; and
- ~~6.8.~~ to reduce adverse impacts on endangered and threatened species.

³⁶ This revision reflects proposed revisions to preceding policies.

³⁷ The revisions reflect changes in the proposed ROGO system.

Accordingly, the Point System, which shall be used as the basis for the annual allocation of permits, shall assign negative and/or positive points to development applications ~~based upon:~~ that helps to achieve the above environmental protection goals.

1. ~~the occurrence of natural resources or natural hazards; and/or~~
2. ~~proposed utilization of best management practices for wastewater treatment and disposal which will avoid or mitigate the adverse impacts of development on natural resources, particularly water quality.~~

(See Future Land Use Objective 101.5 and related policies for a list of positive and negative factors to be included in the Permit Allocation System.) [9J-5.006(3)(c)1 and 6]